



December 8, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket Nos. 07-42 and 07-198

Dear Ms. Dortch:

We understand that the Commission is currently considering adopting new rules that are intended to make it easier for independent programming networks to file program carriage complaints against multichannel video programming distributors ("MVPDs"). At the same time, we have heard that the Commission is considering proposing rules that would significantly reduce the freedom that networks currently enjoy to structure mutually beneficial arrangements with MVPDs in our carriage contracts. There seems to be significant tension between these two sets of proposals; the one thing they have in common is the notion that we need more government involvement in the relationships between programming networks and MVPDs.

We do not agree. In our view, the rules the Commission has been asked to adopt would favor certain of our competitors who have chosen to pursue regulatory gamesmanship over those of us who choose to compete on the merits of our programming.

As we have explained to the Commission before, a serious effort to create and launch an independent television network requires an enormous amount of preparation, financial risk, and a commitment to quality, all of which we at The Africa Channel have diligently worked to deliver. The Africa Channel has reached distribution agreements with Cox, Charter, Comcast, Time Warner, Bend Broadband, and others by demonstrating that we offer unique, diverse, and top-quality programming. This is how programmers earn the opportunity to reach an audience and to get paid for their product.

The Commission reportedly may significantly alter this environment in a way that invites would-be programmers to invest money in lawyers instead of high-quality programming that

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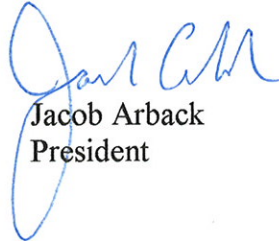
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consumers demand. That would be unfair to us. For each competitor that obtains its carriage by going through the Commission, that is one less opportunity for The Africa Channel.

We respectfully ask that you take into serious consideration the hard work, financial risk, and dedication to the public interest that The Africa Channel and other independent networks undertake to earn a place in American homes. Unproven networks that have not shown their value in the marketplace should not be able to jump to the head of the line. There are existing rules that can address any real cases of "unfair discrimination." More rules aren't needed.

We appreciate this opportunity to share our views.

Sincerely,



Jacob Arback
President

cc: Chairman Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert McDowell
Michelle Carey
Rick Chessen
Rudy Brioche
Amy Blankenship
Rosemary Harold

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